

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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THE UNITED STATES OF AMERICA,

-against -

REYNOLD OROZCO

NOTICE OF MOTION
08 Cr. 52 (LAK)

Defendant.
-----X

PLEASE TAKE NOTICE THAT the defendant Reynold Orozco, upon his annexed affidavit sworn to on June 30, 2008, will move this Court on a date set by the Court, for an order suppressing (1) the evidence seized pursuant to a search on May 5, 2008 and (2) the defendant's post arrest statements, on the grounds that the items seized were taken in violation of the defendant's rights under the Fourth Amendment to the United States Constitution and the statements were taken in violation of his rights under the Fifth and Sixth Amendments to the United States Constitution, and for such additional, further or alternative relief that this Court deems just and proper.

Date: July 11, 2008
New York, New York

MOSKOWITZ & BOOK, LLP

By: Avraham C. Moskowitz
Avraham C. Moskowitz (AM 8913)

Attorneys for Defendant
Reynold Orozco

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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

- against -

S1 08 Cr 52 (LAK)

REYNOLD OROZCO,

New York, New York

Reynold Orozco, being duly sworn hereby states under penalties of perjury that the following information is true:

1. My name is Reynold Orozco and I am the defendant in the above captioned case.
2. This affidavit is submitted in support of my motion to suppress evidence.
3. On or about May 5, 2008 I was living in a 3rd story apartment at 3470 Eastchester Road, Bronx New York.
4. I had been renting that apartment located in a private house for approximately 5 or 6 months.
5. I had a key to the front door and a key to my apartment on the third floor.
6. On May 5, 2008 at about 6:00 am I was sleeping in my bedroom at my apartment when the sound of the police entering my apartment woke me up.
7. Approximately 5 or 6 officers entered my bedroom and ordered me to the floor and handcuffed me behind my back at gun point.
8. The police searched my apartment.
9. I did not give them permission to search my apartment at any time.

10. It was not until after the search and after I was removed from my apartment in handcuffs by the police, that I was read my *Miranda* warnings.



Reynold Orozco

June 30, 2008

Sworn to before me this
30 day of June, 2008.


Notary Public

Avraham C. Moskowitz
Notary Public, State of New York
No. 02MO6134521
Qualified in Nassau County
Commission Expires October 3, 2009